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AZ CORP COMMISSION  
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**Timothy J. Galligan, Esq.**

California State Bar #92174

**5 Borealis Way**

**Castle Rock, CO 80108**

**(303) 660-8787 (w)**

**(650) 504-7788 (c)**

**timothyjgalligan@yahoo.com**

September 5, 2011

The Hon. Lyn Farmer  
Presiding Administrative Law Judge  
Arizona Corporations Commission  
Hearings Division  
1200 W. Washington  
Phoenix, AZ 85007

Arizona Corporation Commission

**DOCKETED**

SEP 9 2011



**Re: In the Matter of David Paul Smoot, et. al.**  
**Docket No. S-20814A-11-0313**

Dear Judge Farmer,

I am directing the attached notice, motion and supporting declaration and proposed order to grant me pro hac vice status to you for either your signature or rerouting to the appropriate judge.

The ACC has obtained a docket number for subject case, but an application has not been filed. I am working with Michael Dailey, Esq. in the Securities Division on a settlement and approved pro hac vice status is required for proper recordation of representation.

This is a pro bono case, so I beg your forgiveness for my lack of complete knowledge of local judicial procedures and protocols. I was informed by the Hearings Division that 13 copies of my pleadings are required, so those are attached to conform with your rules. A stamped, self-addressed envelope is attached for easy processing.

Grateful for your consideration of my request, this is

Respectfully submitted,

TIMOTHY J. GALLIGAN, ESQ.

tjg/

Attachments

cc: Michael Dailey, Esq.

1 TIMOTHY J. GALLIGAN, ESQ. - California State Bar #92174  
5 Borealis Way  
2 Castle Rock, CO 80108  
(650) 504-7788  
3 timothyjgalligan@yahoo.com  
4

5 Attorney for Respondents DAVID PAUL SMOOT  
and MARIE KATHLEEN SMOOT  
6  
7

8 ARIZONA CORPORATIONS COMMISSION

9 STATE OF ARIZONA  
10

11 In the Matter of )

) Docket No. S-20814A-11-313

12 )  
13 ) DAVID PAUL SMOOT, MARIE  
14 ) KATHLEEN SMOOT, NATIVE  
15 ) AMERICAN WATER, LLC, dba  
16 ) NATAWA, NATAWA CORPORATION,  
17 ) dba NATAWA AND AMERICAN  
18 ) INDIAN TECHNOLOGIES  
19 ) INTERNATIONAL, LLC, aka  
20 ) AITI,  
21 )

) NOTICE OF MOTION TO ADMIT  
) COUNSEL PRO HAC VICE  
)

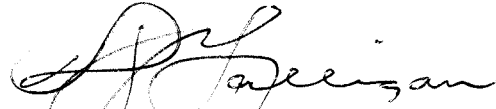
22 Respondents. )  
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29 TO: MICHAEL DAILEY, ESQ.  
30 c/o ARIZONA CORPORATIONS COMMISSION  
31 1300 West Washington - Third Floor  
32 Phoenix, AZ 85007

33 PLEASE TAKE NOTICE that based upon the annexed Declaration of  
34 TIMOTHY J. GALLIGAN, ESQ., motion and proposed order, the  
35 undersigned will move for an order allowing the admission of  
36 movant, a member in good standing of the STATE BAR OF  
37 CALIFORNIA, as attorney pro hac vice to argue or try this case,  
38 in whole or in part, as counsel for Respondents before the

1 ARIZONA CORPORATIONS COMMISSION.  
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4 Respectfully submitted,  
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7 TIMOTHY J. GALLIGAN, ESQ.  
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DATED: September 5, 2011

1 TIMOTHY J. GALLIGAN, ESQ. - California State Bar #92174  
5 Borealis Way  
2 Castle Rock, CO 80108  
(650) 504-7788  
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5 Attorney for Respondents DAVID PAUL SMOOT  
6 and MARIE KATHLEEN SMOOT  
7

8 ARIZONA CORPORATIONS COMMISSION

9 STATE OF ARIZONA  
10

11 In the Matter of	)	
	)	Docket No. S-20814A-11-313
12	)	
13 DAVID PAUL SMOOT, MARIE	)	DECLARATION IN SUPPORT OF
KATHLEEN SMOOT, NATIVE	)	AND MOTION FOR PRO HAC
14 AMERICAN WATER, LLC, dba	)	VICE STATUS
NATAWA, NATAWA CORPORATION,	)	
15 dba NATAWA AND AMERICAN	)	
INDIAN TECHNOLOGIES	)	
16 INTERNATIONAL, LLC, aka	)	
AITI,	)	
17 Respondents.	)	

18  
19 I, TIMOTHY J. GALLIGAN, ESQ., hereby declare:

20 1. I am over the age of 18, petition to be recognized as  
21 counsel for Respondents at their request in this matter and am  
22 licensed and have been licensed to practice law before all  
23 courts in the State of California since 1980.

24 2. I am in good standing to practice law in the State of  
25 California and have never been the subject of a disciplinary  
26 action of any kind by the STATE BAR OF CALIFORNIA.  
27  
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1           3. I have experience practicing securities law, including  
2 being the Chief Regulatory Officer for BANK OF AMERICA, NT&SA,  
3 worldwide which, among other responsibilities, included  
4 representing the bank before the U. S. SECURITIES AND EXCHANGE  
5 COMMISSION in Washington, DC on all regulatory, compliance,  
6 litigation and securities matters.  
7

8           4. Although arrangements are not finalized as of the date  
9 of this motion, it is the intent and expectation of Respondents  
10 to also engage the services of local counsel, MICHAEL D.  
11 KIMERER, ESQ. of KIMERER & DERRICK, P.C. 221 East Indianola Ave.  
12 Phoenix, AZ 85012, phone (602) 279-5900, as co-counsel on this  
13 matter.  
14

15           5. To this point, the Director of Securities Regulation of  
16 the ARIZONA CORPORATIONS COMMISSION has not filed an Application  
17 in this matter, nor has an Answer been required. A draft  
18 Consent Order has been prepared and submitted to the undersigned  
19 by MR. DAILEY for review and comment and settlement negotiations  
20 are in process.  
21


22           6. Because subject case has not been assigned to an ALJ,  
23 this motion is being submitted to the Presiding Judge.  
24

25           7. Since the Respondents have no funds and have declared  
26 bankruptcy, the undersigned is representing them pro bono.  
27

28           The undersigned respectfully requests that this motion be  
granted for the reasons stated above.

1 I declare under penalty of perjury under the laws of the  
2 State of Arizona that the forgoing is true and correct.  
3

4 DATED: September 5, 2011.  
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9 TIMOTHY J. GALLIGAN, ESQ.  
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5 Attorney for Respondents DAVID PAUL SMOOT  
and MARIE KATHLEEN SMOOT  
6  
7

8 ARIZONA CORPORATIONS COMMISSION

9 STATE OF ARIZONA  
10

11 In the Matter of )

) Docket No. S-20814A-11-313

12 DAVID PAUL SMOOT, MARIE )  
13 KATHLEEN SMOOT, NATIVE )  
AMERICAN WATER, LLC, dba )  
14 NATAWA, NATAWA CORPORATION, )  
dba NATAWA AND AMERICAN )  
15 INDIAN TECHNOLOGIES )  
INTERNATIONAL, LLC, aka )  
16 AITI, )

ORDER RE: MOTION TO  
GRANT PRO HAC VICE  
STATUS

17 Respondents. )  
18

19 Based on the Motion to grant Pro Hac Vice status and the  
20 concurrence of counsel for the ARIZONA CORPORATIONS COMMISSION,  
21 MICHAEL DAILEY, ESQ., it is hereby ordered that TIMOTHY J.  
22 GALLIGAN, ESQ. be admitted Pro Hac Vice as counsel for  
23 Respondents in this matter.  
24

25 DATED: this \_\_\_\_ day of \_\_\_\_\_, 2011.  
26  
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28 \_\_\_\_\_  
Presiding Administrative Law Judge

**PROOF OF SERVICE BY MAIL**

I, Timothy J. Galligan, declare:

I am over the age of eighteen years and not a party to the within cause; my business address is the Law Offices of Timothy J. Galligan, 5 Borealis Way Castle Rock, CO 80108.

On September 5, 2011, I served the within Respondents' Notice of Motion, Declaration in Support of and Motion for the Granting of Pro Hac Vice Status and a Proposed Order by mailing an original copy to:

Michael Dailey, Esq.  
Arizona Corporations Commission - Securities Division  
1300 West Washington - Third Floor  
Phoenix, AZ 85007

I declare that I am readily familiar with the business practices of the Law Offices of Timothy J. Galligan for the service of process and the collection and processing of documents for mailing with the U. S. Postal Service. Documents so collected and processed are placed for collection and deposit with the U. S. Postal Service that same day in the ordinary course of business. The above-referenced documents were placed in a sealed envelope with postage thereon fully prepaid, addressed to each of the listed parties and such envelope was deposited with the U. S. Postal Service on the date indicated below.

I declare under the penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct and that this declaration was executed on September 5, 2011, at Castle Rock, CO.

  
TIMOTHY J. GALLIGAN